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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,486

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EXAMINER

MEDE, ESTEVE

ART UNIT

PAPER NUMBER

2137

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/776,486

**Applicant(s)**

KATANO, SEIICHI

**Examiner**

Esteve Mede

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, is rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US 6,088,803) in view of Phan (US 5,937,150).

**Regarding claim 1**, Tso discloses a network device configured with a virus scanner, the network device will intercept content send to a client device and scan the content for viral infection before the content reaches the client device on the network (col. 2, lines 37-61; col. 3, line1-38). Examiner notes that the prior art provides a more advantageous virus detection system than the claimed invention. The claimed invention as disclosed provides a system for viral detection within the network, wherein devices (i.e. MFP) within the network would receive viral infected content and distribute the viral infected content to other devices on the network without first examining the content for malware.

However Tso does not disclose a multi-function peripheral device comprising a network interface configured to allow the multi-function peripheral device to communicate with network device over a network area; a graphical user interface configured to allow for the exchange of information between the multi-function peripheral device and one or more processors; a memory; a scan process executing in the memory and being configured to cause a printed document to be scanned at the multi-function peripheral device and to generate scan data that includes a digital data representation of the electronic document; a print process executing in the memory and being configured to process print data cause a printed version of an electronic document reflected in the printed data to be generated by the multi-function peripheral device at the multi-function peripheral device.

Phan discloses a multi-function peripheral device comprising a network interface (see abstract; Figure 2 item 215 and 220 of drawings; col. 3, line 6) configured to allow the multi-function peripheral device to communicate with network device over a network area (col. 1, lines 25-32; col. 2, lines 40-44); a graphical user interface configured to allow for the exchange of information between the multi-function peripheral device and a user (col. 5, lines 40-44; see fig. 4); one or more processors (col. 3, lines 10-12, lines 20-25; see fig. 2 of the drawings); a memory (see fig. 2; col. 3, lines 10-11, 14-17); a scan process executing in the memory and being configured to cause a printed document to be scanned at the multi-function peripheral device and to generate scan data that includes a digital data representation of the electronic document. According to IEEE dictionary "a scanner is a graphic input device that automatically digitizes images

for input to a computer". (The function of a scanner is implicitly stated by the prior art. See abstract); A print process executing in the memory and being configured to process print data cause a printed version of an electronic document reflected in the printed data to be generated by the multi-function peripheral device at the multi-function peripheral device (col. 3, lines 3-10; col. 4, lines 16-20).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tso to include the use a network interface, a graphical user interface, processor, memory, and a scanner in order to provide a network device that is capable of providing various functionality within the network, such as printing, copying, scanning and faxing as well as providing a convenient means for users to interface with the device.

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US 6,088,803) in view of Phan (US 5,937,150) further in view of Boldon et al. (US 2003/0048468 A1).

**Regarding claims 2-3,** Tso and Phan discloses all the limitations of claims 2-3, except for the multi-function device wherein providing data from the multi-function device to the network device over the network includes providing configuration data to the network device of the network.

Boldon discloses wherein providing data from the multi-function peripheral device to the network device over the network includes providing one or more data files to the network device over the network (paragraph 0016, lines 5-8); configuring data to the

network device over the network (the prior art discloses information are sent to the device over a network that will change the functionality the way the device perform its job, although the prior art did not specifically uses the work "configuration", it is a fact that configuration is taking place base on instructions received (paragraph, 0016, lines 8-14).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tso and Phan to include the use of configuring the network device in order for the network device to receive necessary updates that would help in protecting the network from previous and future malware.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US 6,088,803) in view of Phan (US 5,937,150) further in view of Kouznetsov (US 2004/0025042 A1).

**Regarding claims 4-6** Tso and Phan discloses all the limitation of claims 4-6, except for replacing data replacement after deleting action had taken place, generating a report a component manager and send a conformation message out to the device (client). Kouznetsov discloses receiving replacement data for the multi-function peripheral (paragraph 0161, lines 1-2; paragraph 0169, lines 1-2); generate and send a conformation message to the network device (paragraph 0341, lines 5-7; lines 11-13); and generate a report and either print the report or fax the report (paragraph 0377, lines 1-5; see table 68c; paragraph 0078, lines 6-7). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tso to include the

use of data replacement, report generation and conformation in order for the virus scanner to perform certain task such as generating a report to system administration or user confirming that the replacement data is free of infection base on define criteria set forth by the administrator at the time of configuration.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US 6,088,803) in view of Phan (US 5,937,150) further in view of Boldon et al. (US 2003/0048468 A1).

**Regarding claim 7**, Tso and Phan disclose all the limitations of claim 7, except for the multi-function device to delete or quarantine a portion of the data that it sent to the network device.

Boldon discloses a multi-function device that is capable of quarantining or deleting data that is infected by viral infection (para. 0023, lines 1-5; para. 0006, lines 4-7; para. 0007, lines 4-7; para. 0016, lines 5-14). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tso and Phan to include the use of deleting or quarantining a portion of data in order to remove possible malware from the data, such that the system may be protected from viral infection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esteve Mede whose telephone number is 571-270-

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1594. The examiner can normally be reached on Monday thru Friday, 8:30-5:00 PM, EST.

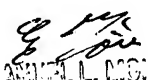
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Esteve Mede

EM

October 30, 2007

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER